



**ORDER PROHIBITING
OUTDOOR BURNING**

WHEREAS, the Texas Local Government Code provides that the County Judge of a county, by order, may prohibit outdoor burning in the unincorporated area of the county if the County Judge makes a finding that circumstances present in the unincorporated area create a public safety hazard that would be exacerbated by outdoor burning; and if the County Judge has declared a disaster in accordance with the Texas Disaster Act of 1975, as amended, and

WHEREAS, the Bastrop County Judge does hereby find that circumstances present in the unincorporated areas of Bastrop County create a public safety hazard that would be exacerbated by certain outdoor burning; and,

BE IT THEREFORE ORDERED that the following emergency regulations are hereby established for portions of the unincorporated areas of Bastrop County, Texas that are not subject to public ownership or stewardship for the duration of the above mentioned declaration:

(1) Actions Prohibited:

Except as described hereinafter, a person violates this order if he ignites, or causes ignition of any combustible or vegetative material outside of an enclosure which serves to contain all flames and/or sparks, or orders such burning or ignition by others.

(2) Enforcement:

- (a) Under notification of suspected outdoor burning, the fire department assigned to the location of the fire shall respond to the scene and take immediate measures to contain and to extinguish the fire.
- (b) If requested by a fire official, a duly-commissioned peace officer, when available, shall be sent to the scene to investigate the nature of the fire.
- (c) In accordance with Section 352.081 of the Local Government Code, a person who knowingly or intentionally violates this order commits a Class C Misdemeanor, punishable by a fine up to \$500.

(3) If the responding peace officer finds that the person responsible for the fire is in violation of (1) above, a citation shall be issued for: Violation of Burn Ban Order.

(4) This order shall not apply to the outdoor burning of vegetative material caused by welding or by other causes relating to the act of welding, if such burning is not malicious or intentional.

(5) This order shall not apply to burning of vegetative material when such burning is performed in accordance with a prescribed plan which addresses the useful nature of such activity such as natural resource management and includes appropriate safety and protective measures, and is submitted and approved by the Bastrop County Office of Emergency Management (OEM). The Bastrop County OEM shall promulgate rules and procedures for the submission and approvals of such activities.

(6) This order shall not prohibit other lawful burning as may be permissible by rules established by the Texas Commission on Environmental Quality.

Be it also **ORDERED** that the purpose of this prohibition of outdoor burning is the mitigation of the public safety hazard posed by wildfires during the current dry weather period by curtailing the practice of outdoor burning, which purpose is to be taken into account in any enforcement action based upon this order.

ORDERED THIS 12th DAY OF DECEMBER, TO TAKE EFFECT AT 12:01 A.M., THURSDAY, DECEMBER 13, 2018 AND TO EXPIRE AT 12:01 AM, TUESDAY, DECEMBER 18, 2018, UNLESS FURTHER ACTION IS TAKEN BY BASTROP COUNTY COMMISSIONERS COURT.

Paul Pape, Bastrop County Judge

FILED

DEC 12 2018

Rose Pietsch
Bastrop County Clerk

3:27 pm